

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re the Petition of

Pontiaki Special Maritime Enterprise

For discovery in Aid of a Foreign Proceeding
Pursuant to 28 U.S.C. § 1782

ECF CASE

Civil Action No. 16-cv-2606

IN ADMIRALTY

**DECLARATION OF J. STEPHEN SIMMS
IN SUPPORT OF PETITION FOR AN
ORDER ALLOWING DISCOVERY
PURSUANT TO 28 U.S.C. § 1782**

Pursuant to 28 U.S.C. § 1746, I, J. Stephen Simms, hereby declare under penalty of perjury that the following is true and correct:

1. I am a Principal of the law firm of Simms Showers LLP, which represents Petitioner Pontiaki Special Maritime Enterprise (“Pontiaki”) in connection with the accompanying Petition. I submit this declaration in support of a Petition for an order to obtain discovery for use in a foreign tribunal pursuant to 28 U.S.C. § 1782.

2. Attached as **Exhibit A** to the Petition is a true and correct copy of the judgment issued in the related foreign proceeding pending in the High Court of Justice, Queen’s Bench Division, Commercial Court, Royal Courts of Justice, *Pontiaki Special Maritime Enterprise v. Tadema Shipping and Logistic Inc., et al.* (Claim No. 2015-Folio-196 [CL-2015-000463]) (the “High Court Proceedings”), which involves a breach of a voyage charterparty agreement.

3. Petitioners seek substantive information regarding Tadema Shipping and Logistic Inc. (a/k/a Tadema Shipping & Logistic Inc, a/k/a Tadema Shipping & Logistics Inc.) (“Tadema”)’s breach of the voyage charterparty agreement and the efforts of Taleveras Petroleum Trading B.V. (a/k/a Talaveras Petroleum Trading, a/k/a Taleveras Petroleum Trading, a/k/a Taleveras Petroleum Trading Ltd) (“Taleveras”) to avoid its obligations as guarantor under

the charterparty agreement. Petitioner expects to find the information in the possession of United Bank for Africa PLC and Deutsche Bank Trust Company Americas, which banks were involved in the underlying transactions related to the charterparty agreement.

4. United Bank for Africa PLC's office is located at 1 Rockefeller Plaza # 8, New York, NY 10020.

5. Deutsche Bank Trust Company Americas' office is located at 60 Wall Street, New York, NY 10005.

6. Herewith is a copy of a proposed Order, ordering the issuance of a subpoena on United Bank for Africa PLC and Deutsche Bank Trust Company Americas to compel discovery for use in a foreign tribunal pursuant to 28 U.S.C. § 1782.

7. Herewith also are true and correct copies of proposed subpoenas to be served on United Bank for Africa PLC and Deutsche Bank Trust Company Americas.

I certify pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: April 7, 2016.

/s/ J. Stephen Simms
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